REMARKS

Claims 1-17 were pending in the subject Application. Claims 1, 2, 11-14, 16 and 17 are under examination. Applicants have hereinabove amended the Specification. Applicants respectfully request entry of the Amendment.

Attached hereto is a marked-up version of the changes made to the subject specification by the hereinabove amendment. The attached page is captioned "Version With Markings To Show Changes Made."

OATH AND DECLARATION AND PRIORITY:

In the Office Action, the Examiner stated that the Oath and Declaration was defective because the priority claim to application U.S. Serial Number 09/500,023 has been claimed under 35 USC Section 119(e) and 35 USC Section 120 and is only entitled to claim priority under 35 USC 120. In response, Applicants will provide an Oath and Declaration claiming the benefit under 35 USC 120 to Application U.S. Serial No. 09/500,023.

In addition, the Examiner stated that the subject Application must contain a specific reference to the prior application in order to claim the benefit of such prior Application. In response, Applicants have hereinabove amended the Specification of the subject Application on page 1, line 1, to include such a cross reference. Accordingly, Applicants respectfully request the Examiner withdraw the objection to the Specification.

REJECTION UNDER 35 U.S.C. 112, Second paragraph:

In the Office Action, the Examiner rejected Claims 1, 2, 11-14 and 17 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

In response, Applicants traverse the Examiner's rejection of the Claims. Applicants maintain that the Claims are definite and particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the amount of compound needed is as is recited in the claim is the amount which antagonizes, inhibits, inactivates, reduces, suppresses and/or limits the release, synthesis or production of TNF-α. Accordingly, Applicants respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. 112.

REJECTION UNDER 35 U.S.C. 102:

In the Office Action, the Examiner rejected Claims 1, 2, 11, 12, 13, 17 under 35 U.S.C. 102(b) as allegedly being anticipated by Ron, US Patent No. 6,204,270.

In response, Applicants traverse the Examiner's rejection of Claims 1, 2, 11, 12, 13, and 17 under 35 U.S.C. 102. Applicants contend that contrary to the Examiner's assertion, Ron does not disclose Applicants' invention. The subject matter of Claim 1 is directed to a method for treating a subject with glaucoma by administering to the subject an amount of a compound or molecule which antagonizes, inhibits, inactivates, reduces, suppresses and/or limits the release, synthesis or production of TNF-α.

Contrary to the Examiner's assertion, Ron does not teach a method of treating a subject with glaucoma by using a compound or molecule which antagonizes, inhibits, inactivates, reduces, suppresses and/or limits the release, synthesis or production of TNF-α.

Ron does not raise to the level of an anticipatory reference since Ron does not provide any, much less credible scientific data and/or experiments directed to the use of anti-TNF for treatment of a subject having glaucoma. Specifically, Ron discusses anti-TNF treatment for mucosal inflammatory disease. However, as is known to those skilled in the art, glaucoma is not a mucosal disease nor an inflammatory disease. As is known to those skilled in the art there has never been any evidence of immune complex depostion, retinal exudates, compliment proteins or T cell deposits in the retinas of any glaucoma specimen as

demonstrated by histopathology which are the hallmarks of inflammation but not present in glaucoma. Ron provides no experimental data and/or evidence to support or suggest any credible basis for such a disclosure.

Applicants point out that prior to Applicants' invention there was no understanding or appreciation of the role of TNF in regard to glaucoma. In fact, one skilled in the art would not have known that the TNF inhibitory compounds may be used to treat a subject with glaucoma. It was in fact the Applicants who first showed the involvement of TNF-α mediated cell death in glaucoma, and the neuroprotective effect of anti-TNF-α treatment on the retinal ganglion cell survival. First, the Applicants showed by immunohistochemistry that the optic nerve head region through which the retinal ganglion cell axons pass as they exit the eye is accompanied by increased matrix mettaloproteinase activity and increased TNF-α expression in glaucoma eyes. This discovery allowed the Applicants to perform unique *in vitro* studies in which they provided unequivocal evidence that it is the non-neuronal glial cells in the retina that directly cause the death of neuronal retinal ganglion cells in response to stressors identified in glaucomatous eyes such as elevated pressure and ischemia. Only the Applicants had direct evidence that reveals a novel TNF-α-mediated pathogenic mechanism for retinal ganglion cell death in glaucoma. In additon, only the Applicants have demonstrated the claim that inhibition of TNF-α may constitute a novel therapeutic target for neuroprotection in the treatment of glaucomatous optic neuropathy.

Therefore, Claims 1, 2, 11, 12, 13, and 17 are not anticipated by Ron. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. 102.

REJECTION UNDER 35 U.S.C. 103:

In the Office Action, the Examiner rejected Claim 14 under 35 U.S.C. 103(a) as being unpatentable over Ron, US Patent No. 6,204,270 and further in view of Tobinick, US Patent No. 6,177,077.

In response, Applicants traverse the Examiner's rejection of Claim 14 under 35 U.S.C. 103. Applicants contend that contrary to the Examiner's assertion, it would not have been

obvious to obtain applicants' invention based on the disclosure alone or in combination of Ron, US Patent No. 6,204,270 and further in view of Tobinick, US Patent No. 6,177,077.

The Examiner has not raised a prima facie case of obviousness. As discussed above, since Ron is not an anticipatory reference, Tobinick alone does not render obvious Applicants' claimed invention.

Therefore, it would not have been prima facie obvious to a person of ordinary skill in the art at the time the invention was made, to use infliximab or any other compound or molecule which antagonizes, inhibits, inactivates, reduces, suppresses and/or limits the release, synthesis or production of TNF-α in the method of treating glaucoma. Therefore, the above cited references do not render obvious Applicants' invention. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. 103.

Based on the foregoing, Applicants request allowance of the claims. Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below.

No fee is deemed necessary for filing this Amendment. However, if any fee is required, the undersigned Attorney hereby authorizes the United States Patent and Trademark Office to charge 05-0649.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

On Page 1, line 1, please insert the following:

--CROSS REFERENCE

This Application claims the benefit of and is a Continuation-in-Part Application of US Serial Number 09/500,023, filed February 8, 2000.--